

AMENDED IN ASSEMBLY MARCH 21, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 1369

Introduced by Assembly ~~Member Patterson~~ *Members Achadjian
and Levine*

February 22, 2013

An act to amend ~~Section 164 of the Streets and Highways Code,~~
~~Sections 2813, 34500, and 34601 of,~~ and to add Section 681 to, the
Vehicle Code, relating to ~~transportation~~ vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 1369, as amended, ~~Patterson Achadjian. Transportation capital
projects; intercity rail; programming. Vehicles: farm pickup trucks.~~

(1) Existing law defines a pickup truck as a motor truck with a manufacturer's gross vehicle weight rating of less than 11,500 pounds, an unladen weight of less than 8,001 pounds, and which is equipped with an open box-type bed not exceeding 9 feet in length.

This bill would define a farm pickup truck as a motor truck used exclusively by a farmer or rancher in a not-for-hire capacity that is operated solely in California and not in interstate commerce, that has a manufacturer's gross vehicle weight rating of less than 14,000 pounds, and that is equipped with a bed, including, but not limited to, a flat bed, not exceeding 9 feet in length.

Existing law requires a commercial motor vehicle, singly or in combination, that operates with a declared gross or combined gross vehicle weight that exceeds 10,000 pounds to be registered as specified.

This bill would, for purposes of registration, designate a farm pickup truck with a manufacturer's gross vehicle weight rating of more than 11,500 pounds or a farm pickup truck weighing more than 10,000

pounds that is not equipped with an open-box type bed as a commercial motor vehicle for registration purposes.

(2) Existing law requires every driver of a commercial vehicle to stop and submit the vehicle to an inspection of the size, weight, equipment, and smoke emissions of the vehicle at any location where members of the California Highway Patrol are conducting tests and inspections of commercial vehicles and when signs are displayed requiring the stop. Existing law provides that every driver who fails or refuses to stop and submit the vehicle to an inspection when signs are displayed requiring that stop is guilty of a misdemeanor.

This bill would create an exception from that requirement for pickup trucks and farm pickup trucks, as defined.

(3) Existing law requires the Department of Motor Vehicles to regulate the safe operation of specified vehicles, including, but not limited to, truck tractors and specified motor trucks, but only for matters relating to hours of service and logbooks of drivers.

This bill would create an exception from that regulation for farm pickup trucks, as defined.

(4) Existing law, the Motor Carriers of Property Permit Act generally prohibits a motor carrier of property from operating a commercial motor vehicle on any public highway in this state, unless it is compliant as specified and has registered with the department its carrier identification number authorized or assigned thereunder, and holds a valid motor carrier permit issued to that motor carrier by the department.

This bill would exempt from that act a farm pickup truck, as defined.

~~Existing law provides for programming of various transportation funds that are available for transportation capital projects through the state transportation improvement program process administered by the California Transportation Commission. Under these provisions, 75% of available resources are programmed for regional improvement projects nominated by regional transportation agencies, and 25% of available resources are programmed for interregional improvement projects nominated by the Department of Transportation. Existing law requires 60% of the funds available for interregional improvement projects to be programmed for state highway projects in rural areas and for intercity rail improvement projects, with a requirement for at least 15% of those funds to be programmed for intercity rail improvement projects.~~

~~This bill would make a nonsubstantive change to these provisions.~~

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 *SECTION 1. Section 681 is added to the Vehicle Code, to read:*

2 681. (a) A “farm pickup truck” is a motor truck used
3 exclusively by a farmer or rancher in a not-for-hire capacity that
4 is operated solely in California and not in interstate commerce,
5 that has a manufacturer’s gross vehicle weight rating of less than
6 14,000 pounds, and that is equipped with a bed, including, but not
7 limited to, a flat bed, not exceeding nine feet in length.

8 (b) For purposes of registration, a farm pickup truck with a
9 manufacturer’s gross vehicle weight rating of more than 11,500
10 pounds or a farm pickup truck weighing more than 10,000 pounds
11 that is not equipped with an open box-type bed is a commercial
12 motor vehicle under Section 4000.6.

13 *SEC. 2. Section 2813 of the Vehicle Code is amended to read:*

14 2813. (a) Every driver of a commercial vehicle shall stop and
15 submit the vehicle to an inspection of the size, weight, equipment,
16 and smoke emissions of the vehicle at any location where members
17 of the California Highway Patrol are conducting tests and
18 inspections of commercial vehicles and when signs are displayed
19 requiring the stop. Every driver who fails or refuses to stop and
20 submit the vehicle to an inspection when signs are displayed
21 requiring that stop is guilty of a misdemeanor.

22 (b) This section does not apply to a pickup truck or to a farm
23 pickup truck.

24 *SEC. 3. Section 34500 of the Vehicle Code is amended to read:*

25 34500. The department shall regulate the safe operation of the
26 following vehicles:

27 (a) Motortrucks of three or more axles that are more than 10,000
28 pounds gross vehicle weight rating.

29 (b) Truck tractors.

30 (c) Buses, schoolbuses, school pupil activity buses, youth buses,
31 farm labor vehicles, and general public paratransit vehicles.

32 (d) Trailers and semitrailers designed or used for the
33 transportation of more than 10 persons, and the towing motor
34 vehicle.

(e) Trailers and semitrailers, pole or pipe dollies, auxiliary dollies, and logging dollies used in combination with vehicles listed in subdivision (a), (b), (c), or (d). This subdivision does not include camp trailers, trailer coaches, and utility trailers.

(f) A combination of a motortruck and a vehicle or vehicles set forth in subdivision (e) that exceeds 40 feet in length when coupled together.

(g) A truck, or a combination of a truck and any other vehicle, transporting hazardous materials.

(h) Manufactured homes that, when moved upon the highway, are required to be moved pursuant to a permit as specified in Section 35780 or 35790.

(i) A park trailer, as described in Section 18009.3 of the Health and Safety Code, that, when moved upon a highway, is required to be moved pursuant to a permit pursuant to Section 35780.

(j) Any other motortruck not specified in subdivisions (a) to (h), inclusive, or subdivision (k), that is regulated by the Department of Motor Vehicles, Public Utilities Commission, or United States Secretary of the Department of Transportation, but only for matters relating to hours of service and logbooks of ~~drivers~~. *drivers, but a farm pickup truck is exempt from this section.*

(k) A commercial motor vehicle with a gross vehicle weight rating of 26,001 or more pounds or a commercial motor vehicle of any gross vehicle weight rating towing a vehicle described in subdivision (e) with a gross vehicle weight rating of more than 10,000 pounds, except combinations including camp trailers, trailer coaches, or utility trailers. For purposes of this subdivision, the term “commercial motor vehicle” has the meaning defined in subdivision (b) of Section 15210.

SEC. 4. Section 34601 of the Vehicle Code is amended to read:

34601. (a) As used in this division, “motor carrier of property” means any person who operates any commercial motor vehicle as defined in subdivision (c). “Motor carrier of property” does not include a household goods carrier, as defined in Section 5109 of the Public Utilities Code, a household goods carrier transporting used office, store, and institution furniture and fixtures under its household goods carrier permit pursuant to Section 5137 of the Public Utilities Code, persons providing only transportation of passengers, or a passenger stage corporation transporting baggage

1 and express upon a passenger vehicle incidental to the
2 transportation of passengers.

3 (b) As used in this division, “for-hire motor carrier of property”
4 means a motor carrier of property as defined in subdivision (a)
5 who transports property for compensation.

6 (c) (1) As used in this division, except as provided in paragraph
7 (2), a “commercial motor vehicle” means any self-propelled vehicle
8 listed in subdivisions (a), (b), (f), (g), and (k) of Section 34500,
9 any motor truck of two or more axles that is more than 10,000
10 pounds gross vehicle weight rating, and any other motor vehicle
11 used to transport property for compensation.

12 (2) As used in this division, “commercial motor vehicle” does
13 not include any of the following:

14 (A) Vehicles identified in subdivision (f) of Section 34500, if
15 the gross vehicle weight rating of the towing vehicle is 10,000
16 pounds or less.

17 (B) Vehicles identified in subdivision (g) of Section 34500, if
18 the hazardous material transportation does not require the display
19 of placards under Section 27903, a license under Section 32000.5,
20 or a hazardous waste transporter registration under Section 25163
21 of the Health and Safety Code, and the vehicle is not operated in
22 commercial use.

23 (C) Vehicles operated by a household goods carrier, as defined
24 in Section 5109 of the Public Utilities Code, under the household
25 goods carrier permit pursuant to Section 5137 of that code.

26 (D) Vehicles operated by a household goods carrier to transport
27 used office, store, and institution furniture and fixtures under its
28 household goods carrier permit pursuant to Section 5137 of the
29 Public Utilities Code.

30 (E) Pickup trucks as defined in Section 471, if the conditions
31 in subparagraphs (A) and (B) are also met.

32 (F) Two-axle daily rental trucks with a gross vehicle weight
33 rating of less than 26,001 pounds, when operated in noncommercial
34 use.

35 (G) Motor trucks or two-axle truck tractors, with a gross vehicle
36 weight rating of less than 26,001 pounds, when used solely to tow
37 a camp trailer, trailer coach, fifth-wheel travel trailer, or utility
38 trailer. Vehicle combinations described in this subparagraph are
39 not subject to Section 27900, 34501.12, or 34507.5.

(d) For purposes of this chapter, “private carrier” means a motor carrier of property, who transports only his or her own property, including, but not limited to, the delivery of goods sold by that carrier.

(e) *For purposes of this division, a “commercial motor vehicle” does not include a farm pickup truck.*

~~SECTION 1. Section 164 of the Streets and Highways Code is amended to read:~~

~~164. (a) Funds made available for transportation capital improvement projects under subdivision (e) of Section 163 shall be programmed and expended for the following program categories:~~

~~(1) Twenty-five percent for interregional improvements.~~

~~(2) Seventy-five percent for regional improvements.~~

~~(b) Sixty percent of the funds available for interregional improvements under paragraph (1) of subdivision (a) shall be programmed and expended for improvements to state highways that are specified in Sections 164.10 to 164.20, inclusive, and that are outside the boundaries of an urbanized area with a population of more than 50,000, and for intercity rail improvements.~~

~~(c) Not less than 15 percent of the amount of funds programmed under subdivision (b) shall be programmed for intercity rail improvement projects, including grade separation projects.~~

~~(d) Funds made available under paragraph (1) of subdivision (a) shall be used for transportation improvement projects that are needed to facilitate interregional movement of people and goods. The projects may include state highway, intercity passenger rail, mass transit guideway, or grade separation projects.~~

~~(e) Funds made available under paragraph (2) of subdivision (a) shall be used for transportation improvement projects that are needed to improve transportation within the region. The projects may include, but shall not be limited to, improving state highways, local roads, public transit, intercity rail, pedestrian, and bicycle facilities, and grade separation, transportation system management, transportation demand management, soundwall projects, intermodal facilities, safety, and providing funds to match federal funds.~~